



*United States Attorney
Southern District of New York*

FOR IMMEDIATE RELEASE
OCTOBER 28, 1998

CONTACT: U.S. ATTORNEY'S OFFICE
MARVIN SMILON, HERBERT HADAD
PUBLIC INFORMATION OFFICE
(212) 637-2600

SARA L. SHUDOFSKY
(212) 637-2693

PRESS RELEASE

MARY JO WHITE, the United States Attorney for the Southern District of New York, and BILL LANN LEE, the Acting Assistant Attorney General for the Civil Rights Division of the United States Department of Justice, announced today the filing of a complaint against the Board of Elections in the City of New York (the "Board of Elections") regarding the counting of absentee ballots in the upcoming November 3rd general election, as well as a proposed settlement of the action.

Under the proposed settlement, the Board of Elections has agreed to extend by 10 days the period for counting the absentee ballots of military personnel and citizens residing abroad. Specifically, the agreement provides that the Board of Elections will receive, as validly cast ballots, all ballots cast in the November 3rd election by military personnel and citizens residing abroad that are postmarked no later than one day before the election, as required by state election law, but which are received by 5 P.M. on Friday, November 20, 1998. The normal

deadline for the receipt and counting of such ballots is November 10, 1998.

In the complaint, the United States charged that election officials in New York City violated Section 5 of the Federal Voting Rights Act by implementing a change in its voting procedure for mailing absentee ballots to eligible military voters. Specifically, under a state law that had been previously precleared by the Attorney General, the Board of Elections is required to mail absentee ballots to eligible military voters at least 32 days in advance of an election. With respect to the November 3rd election, however, election officials in New York City implemented a different voting procedure by mailing absentee ballots to eligible military voters at least 18 days later than required under the law.

The United States also charged in the complaint that election officials in New York City violated the Uniformed and Overseas Citizens Absentee Voting Act because they did not mail absentee ballots to military personnel and citizens residing abroad on a date sufficiently in advance of November 3, 1998, to allow such voters to receive their ballots, cast their votes, and return their ballots by the seventh day following election day as required by New York State law. By extending for 10 days the period of time in which ballots received by the Board of Elections will be counted as validly cast ballots, the proposed settlement ensures that military personnel and citizens residing abroad who are eligible to vote in the November 3rd general

As provided by law, the United States has filed a request with United States District Judge LEWIS A. KAPLAN, to whom the case has been assigned, that a district court of three judges be convened with respect to this matter. The proposed settlement will be subject to the approval of the three-judge panel.

###

98-236